

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

**In Re: National Hockey League  
Players' Concussion Injury  
Litigation**

**MDL No. 14-2551 (SRN/JSM)**

**This Document Relates to All Actions**

**PRETRIAL ORDER NO. 3**

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SUSAN RICHARD NELSON, United States District Court Judge

The Judicial Panel on Multidistrict Litigation has transferred actions in the above-captioned matter to this Court for coordinated and consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407 as part of nationwide concussion injury litigation involving the National Hockey League. (Transfer Order [Doc. No. 1].) On September 18, 2014, the parties appeared before this Court for a status conference. At the status conference, counsel addressed Plaintiffs' Motion to Appoint Counsel and Application for Leadership Structure, as well as general matters of procedure and scheduling. In an Order dated September 18, 2014 (which shall be considered "Pretrial Order No. 2") [Doc. No. 18], the Court granted Plaintiffs' motion approving Plaintiffs' proposed leadership structure. This Order memorializes the remaining matters discussed at the status conference and the Court's orders from the bench regarding those matters.

**I. Filing of Master Consolidated Complaint/Short Form Complaint**

The Master Consolidated Complaint, as well as a Short Form Complaint, shall be filed on or before **October 18, 2014**.

**II. Rule 26(f) Conference**

The Rule 26(f) conference shall be held on or before **November 18, 2014**. Counsel shall be prepared to negotiate the following at the conference:

1. A Proposed Case Management Order;
2. A Proposed Protective Order (to include the handling of medical records);
3. A detailed protocol for the preservation, collection, and production of electronic discovery. This protocol shall include the relevant time periods for electronic searches, the initial sources and custodians to be searched, the estimated costs and timetables for such searches, the form in which Electronically Stored Information (“ESI”) will be produced, the production of metadata, whether the production will be made on a rolling basis, any issues concerning redactions and assertions of privilege, and the timing of the production of privilege logs.
4. The quantity of written discovery;
5. The number and length of depositions of fact witnesses;
6. The number and length of Rule 30(b)(6) depositions;
7. Expert witness designations and expert witness discovery;
8. The timing and briefing schedule of a Class Certification Motion;
9. Issues regarding Rule 35 Medical Examinations; and

10. Proposals for mediation.

**III. Filing of Any Rule 12 Motion by the NHL**

This matter will be addressed at the November 6, 2014 status conference. The Court is reserving a hearing date of **January 8, 2015** at 2:00 p.m. for oral argument on any such motion.

**IV. Case Management Order**

Counsel shall submit a Proposed Case Management Order to the Court by **December 4, 2014**, identifying any differences in the parties' positions.

**V. Time and Expense Reporting**

Plaintiffs shall submit to the Court, *ex parte*, their time and expenses on a monthly basis. As to whether Defendant will be required to also do so, Defendant will report its position to the Court **within 10 days** of the September 18, 2014 status conference.

**VI. Court Website**

Counsel shall meet and prepare a short case summary, describing the important factual and legal issues in this matter. This shall be finalized prior to the next status conference on November 6, 2014 and should be included in the parties' pre-conference submissions. If the parties cannot agree upon the language, the Court will provide it.

**VII. Communications**

Unless otherwise ordered, counsel must communicate with the Court in writing, with courtesy copies to all counsel. Communications with the Court and submissions which are not electronically filed with the Clerk may be sent via email to

nelson\_chambers@mnd.uscourts.gov.

### **VIII. Status Conferences**

Counsel shall meet and confer at least two weeks prior to any scheduled status conference and create a proposed status conference agenda, to be submitted to the Court at least **10 days prior** to the status conference. If the parties have additional submissions, they are to decide whether to submit them simultaneously, or in a responsive manner, according to mutually-agreed upon deadlines. Any such additional submissions shall be submitted to the Court no later than **one week prior** to the status conference. The parties may agree to hold status conferences by telephone, subject to joint agreement. Status conferences shall be held on the following dates:

November 6, 2014 at 2:00 p.m.

December 18, 2014 at 2:00 p.m.

January 8, 2015 at 2:00 p.m. (also any Rule 12 motion will be heard)

February 5, 2015 at 2:00 p.m.

March 5, 2015 at 2:00 p.m.

April 16, 2015 at 2:00 p.m.

May 7, 2015 at 2:00 p.m.

June 4, 2015 at 1:30 p.m.

July 2, 2015 at 1:30 p.m.

August 6, 2015 at 1:30 p.m.

September 3, 2015 at 1:30 p.m.

October 1, 2015 at 1:30 p.m.

November 5, 2015 at 1:30 p.m.

December 3, 2015 at 1:30 p.m.

**IX. Next Status Conference**

The next status conference will be held on **November 6, 2014** at 2:00 p.m.

Dated: September 23, 2014

s/Susan Richard Nelson  
SUSAN RICHARD NELSON  
United States District Court Judge